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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/985,832	11/06/2001	Yasuyo Michibata	SAS-0200	4510

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EXAMINER

TORRES, MARCOS L

ART UNIT	PAPER NUMBER
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2687

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/985,832

Applicant(s)

MICHIBATA, YASUYO

Examiner

Marcos L Torres

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

2. Claims 1-2, 4, 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boling (6,044,257) in view of Houghton (UK 2360904A) and further in view of Sack (U.S. Patent 6,546,232).

As to claim 1, Boling discloses a mobile phone having a plurality of buttons equipped with crime or disaster prevention means, comprising an extra push button for telephoning emergency call organization arranged at a predetermined position on its body, the extra push button having a safety lock arranged to cover the extra button for

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preventing inadvertent depression; a GPS function installed therein for informing the instantaneous location of telephone (see fig.1, fig. 3; col. 3, line 49 – col. 8 line 8).

Boling does not specifically disclose the button recessed from a surface of the body or colored differently than the plurality of the other buttons. In an analogous art, Houghton discloses a mobile telephone with an emergency recessed button (see abstract), thereby preventing accidental activation. In another analogous art, Sack discloses a mobile telephone with an emergency button colored and shaped differently than the plurality of push buttons (see abstract), thereby allowing to easily identifying the key to prevent accidental activation. Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to combine these teachings for the simple purpose of preventing accidental activation.

As to claim 2, Boling discloses a cellular phone further comprising a sounding function responsive to depression of the extra push button for producing a patrol, an ambulance siren or an utterance calling for help (see col. 6, lines 40-49).

As to claim 4, Boling discloses a cellular phone further comprising a light flickering means equipped therewith (see col. 6, lines 50-59).

As to claim 6, Boling discloses a cellular phone further comprising a transmitter section for automatically informing police or fire stations of the on-the-spot suffering situation or sufferings (see col. 6, line 61 – col. 7, line 12).

As to claim 8, Boling discloses a cellular phone further comprising a means for telephoning selected rescue centers in addition to the police, fire stations or security

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companies by using the GPS function for informing them of the instantaneous location of the telephone (see col. 7, lines 53-65).

3. Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boling (6,044,257) in view of Houghton (UK 2360904A) and further in view of Sack (U.S. Patent 6,546,232) as applied to claims 1-2, 4, 6 and 8 above, and further in view of Maystre.

As to claims 7 and 9, Boling discloses a cellular phone wherein it further comprises a small transmitter being designed so as to facilitate carrying the same with his or her body all the time, and so as to send signals to the cellular phone to make the extra push button work (see col. 3, lines 49-64). Boling does not specifically disclose a separate small transmitter as attachment. In an analogous art, Maystre discloses a separate small transmitter as pendant (see col. 3, lines 1-33), thereby it can be easily carried by the user. Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to combine both teachings for easier activation, monitoring and wearing.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boling (6,044,257) in view of Houghton (UK 2360904A) and further in view of Sack (U.S. Patent 6,546,232) as applied to claims 1-2, 4, 6 and 8 above, and further in view of Jan.

As to claim 3, Boling discloses everything claimed as explained above except for a cellular phone wherein it further comprises a dog-sensitive ultrasonic wave transmitter equipped therewith. Jan discloses a portable security device wherein it further comprises a dog-sensitive ultrasonic wave transmitter equipped therewith (see

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abstract). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to combine both references for enhanced security.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boling (6,044,257) in view of Houghton (UK 2360904A) and further in view of Sack (U.S. Patent 6,546,232) as applied to claims 1-2, 4, 6 and 8 above, and further in view of Shaffer.

As to claim 5, Boling discloses a mobile phone having a plurality of buttons equipped with crime or disaster prevention means, comprising an extra push button for telephoning emergency call organization arranged at a predetermined position on its body, the extra push button having a safety lock arranged to cover the extra button for preventing inadvertent depression; a GPS function installed therein for informing the instantaneous location of telephone (see fig.1, fig. 3; col. 3, line 49 – col. 8 line 8).

Shaffer discloses a wireless phone wherein it further comprises an automatic recording function for recording on-the-spot suffering situation or sufferings in the form of sound (see col. 3, line 65 – col. 5, line 42). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to add this teaching to the Boling system for assuring delivery of audio information.

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boling (6,044,257) in view of Houghton (UK 2360904A) and further in view of Sack (U.S. Patent 6,546,232) as applied to claims 1-2, 4, 6 and 8 above, and further in view of Maycock.

As to claim 10, Boling discloses a mobile phone having a plurality of buttons equipped with crime or disaster prevention means, comprising an extra push button, the extra push button having a safety lock arranged to cover the extra button for preventing inadvertent depression; (see fig.1, fig. 3; col. 3, line 49 – col. 8 line 8). In an analogous art, Houghton discloses a mobile telephone with an emergency recessed button (see abstract), thereby preventing accidental activation. In another analogous art, Sack discloses a mobile telephone with an emergency button colored and shaped differently than the plurality of push buttons (see abstract), thereby allowing to easily identifying the key to prevent accidental activation. Boling does not specifically disclose a cover that is breakable. In an analogous art, Maycock discloses a breakable cover for an emergency device (see page 1-2). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to combine these teaching for the simple purpose of preventing accidental activation.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcos L Torres whose telephone number is 703-305-1478. The examiner can normally be reached on 8:00am-5:30pm alt. Wednesday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester G Kincaid can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marcos L Torres
Examiner
Art Unit 2687

Mlt


SONNY TRINH
PRIMARY EXAMINER